

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
(Roanoke Division)

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)
ROBERT J. COLLIER,)
Plaintiff,) Civil Action No. 7:13-104-GEC
)
)
-v-)
)
)
LAND & SEA RESTAURANT COMPANY,)
LLC. dba FRANKIE ROWLAND'S)
STEAKHOUSE, et al.)
)
Defendants.)

NORM BLOOM AND SON, LLC'S WITNESS LIST AND EXHIBIT LIST

Pursuant to Rule 26(a)(3) of the Fed. R. Civ. Pro. and this Court's Pretrial Scheduling Order, Norm Bloom & Son, LLC ("Norm Bloom"), by counsel, provides the following List of Witnesses and Exhibits:

I. Witness List

The following witnesses may be called at trial. Norm Bloom incorporates by reference Defendants' Joint Witness List. Norm Bloom reserves the right to call other witnesses as it deems necessary and as the need arises during the trial.

1. Theresa Hattanrath, Ph.D.
Stony Brook University
Stoney Brook, NY 11794
631-632-6000
2. Jamie Nelson (through deposition testimony/transcript as representative of Frankie Rowland's)
3. Tara McAllister (through deposition testimony/transcript as representative of Frankie Rowland's)

4. Mike Zibaie Deposition Transcript (pp. 46 to 53, 62 to 69).
5. Jason Hurd Deposition Transcript (pp. 38 to 41).
6. Land & Sea d/b/a Frankie Rowland's Restaurant (Records Custodian)
7. Performance Food Group (Records Custodian)
8. Sam Rust (Records Custodian)
9. Cape Cod Shellfish (Records Custodian)
10. Autumn Whitcomb
Virginia Department of Health
Roanoke, VA 24012
11. Virginia Department of Health (Records Custodian)
Roanoke, VA 24012
12. David Carey
Connecticut Department of Agriculture Bureau of Aquaculture
190 Rogers Avenue
Milford, CT 06464
13. Joseph DeCresenczo
Connecticut Department of Agriculture Bureau of Aquaculture
190 Rogers Avenue
Milford, CT 06464
14. Ken Moore
Executive Director, ISSC
209-2 Dawson Road
Columbia, SC 29223
15. Christopher Gobler, Ph.D. (through deposition testimony)
16. Chip Warren
Warren & Koss PC
19 North Broad Street
Salem VA 24153
Phone 540-375-2883

II. Exhibit List

Norm Bloom hereby list the following exhibits:

1. Bar bill/receipt for Collier party (4/14/11)
2. Dinner bill/receipt for Collier party (4/14/11)
3. Dinner bills/receipts (diners eating oysters at Frankie Rowland's)
4. Virginia Department of Health record (as identified in the Exhibit List submitted by Land & Sea Restaurant d/b/a Frankie Rowland's Restaurant, and such others as the need arises during trial, including 4/16/11 email)
5. Carillion medical records (as identified in the Exhibit List submitted by Land & Sea Restaurant d/b/a Frankie Rowland's Restaurant, and such other medical records as the need arises during trial)
6. Norm Bloom Shellfish License
7. Norm Bloom Harvest Logs
8. Norm Bloom sales records
9. Norm Bloom HACCP Plan
10. Norm Bloom product labeling and packaging
11. Map of harvest areas in Norwalk
12. State of Connecticut Biotoxin Contingency Plan
13. Memorandum of Understanding between FDA and ISSC
14. Exhibit 2 from deposition of David Carey: Excel spreadsheet
15. Interstate Shippers List
16. Record from Department of Agriculture Bureau of Aquaculture (open harvest areas)

17. Shellfish tags (produced by Frankie Rowland's)
18. Exhibits from deposition of Jamie Nelson
19. Exhibits from deposition of Tara McAllister
20. Purchase and sale documents relating to the crabs purchased by Frankie Rowland's and sold to customers, including Collier party
21. State of Connecticut Testing Data
22. New York Department of Environmental Conservation Testing Data
23. Temperature Data, including temperature data from State of Connecticut, Hobo data, and data from NOAA (Bridgeport)
24. Purchase and sale records produced by Frankie Rowland's during discovery in response to document requests served by Norm Bloom & Son, LLC
25. Purchase and sale documents produced by Performance Food Groups during discovery in response to document requests served by Norm Bloom & Son, LLC
26. Purchase and sale documents produced by Sam Rust during discovery in response to document requests served by Norm Bloom & Son, LLC
27. Purchase and sale documents produced by Cape Cod during discovery in response to document requests served by Norm Bloom & Son, LLC
28. Photographs:
 - a. Norm Bloom & Son, LLC: premises, boats, oysters and Norwalk harvest areas;
 - b. Various locations Long Island, New York, including Northport Harbor and surrounding areas, Meetinghouse Creek, Weesuck Creek, James Creek, Woodbine Marina, Shinnecock Bay, Flax Pond, Sag Harbor.
 - c. Various locations in Connecticut, including Mumford Cove, Palmers Cove, Bridgeport NOAA station, and Bridgeport Harbor.
 - d. Various locations in Massachusetts, including Nauset Estuary, Pochet Creek, Rock Harbor Creek, Town Cove, Orleans, Little Namskeket Creek, Namskeket Creek, Paw Wah Pond.
 - e. Oysters.

29. Map/Chart of Long Island, NY.
30. Map/Chart of Connecticut coast
31. Map/Chart of Long Island Sound
32. Map of Town of Orleans shellfish closure
33. Town of Orleans coastal map
34. Chart showing PSP levels in Shellfish
35. Nerve Sensitivity Graph
36. Slides (2) relating to clearance rates of oysters and water temperature
37. Flow chart relating to clearance rate, filtration rate, ingestion rate and psuedofeces production of *C. virginica*
38. Slides (4) relating to feeding and particle capture by mussels and oysters
39. Chart summarizing data relating to Northport, Long Island
40. Temperature data referenced by Monica Bricelj, Ph.D. and Sandra Shumway, Ph.D.
41. Exhibit 3 from deposition of Monica Bricelj, Ph.D.
42. Figure 1 from Report of Don Anderson, Ph.D.
43. Figure 2 from Report of Don Anderson, Ph.D.
44. Temperature data referenced in Report of Don Anderson, Ph.D.
45. Table 1 from Report of Don Anderson, Ph.D.
46. Temperature data identified in Supplement Report of Don Anderson, Ph.D.
47. Figure 1 from Supplemental Report of Don Anderson, Ph.D. dated May 8, 2016
48. Figure 2 from Supplemental Report of Don Anderson, Ph.D. dated May 8, 2016

49. Figure 3 from Supplemental Report of Don Anderson, Ph.D. dated May 8, 2016
50. Figure 4 from Supplemental Report of Don Anderson, Ph.D. dated May 8, 2016
51. Temperature Bar ATSPF7-5 December 2014.xlsx
52. Page 9 from Supplemental Report of Don Anderson, Ph.D. dated October 27, 2015, and Figure T6 and Table 2
53. Figure T7 from Supplemental Report of Don Anderson, Ph.D. dated October 27, 2015
54. Data from tilt current meters referenced in Supplemental Report from Don Anderson, Ph.D. dated October 27, 2015
55. Figure C1 from Supplemental Report of Don Anderson, Ph.D. dated October 27, 2015
56. Figure C2 from Supplemental Report of Don Anderson, Ph.D. dated October 27, 2015
57. Figure C3 from Supplemental Report of Don Anderson, Ph.D. dated October 27, 2015
58. Figure C4 from Supplemental Report of Don Anderson, Ph.D. dated October 27, 2015
59. Map of biotoxin stations in Long Island, NY
60. Figure 2 from report of Christopher Gobler, Ph.D.
61. Carillion Clinic Consult Note dated 4/16/11 (Garner, Dorothy C, MD)
62. Credit card vouchers and dinners receipts for various customers eating oysters at Frankie Rowland's (as identified in the Exhibit List filed by Land & Sea Restaurant d/b/a Frankie Rowland's Restaurant).
63. Weaver Fresh Seafood Bankruptcy Documents, Pleadings and Docket (Case No. 14-004408-dd; District of South Carolina (Chareslton)
64. Audio Recorded statement from Mike Zibaie

65. Medical records list in Exhibit List filed by Land & Sea Restaurant d/b/a Frankie Rowland's Restaurant
66. Exhibits for Dan Baden listed in Exhibit List filed by Land & Sea Restaurant d/b/a Frankie Rowland's Restaurant
67. Video showing cell and molecule size. Sent to counsel on April 27, 2016
68. Video showing functioning of sodium channel. Sent to counsel on April 27, 2016.
69. Email exchange between Bill Catterall, PhD and Baden. Sent to counsel on April 27, 2016
70. Color Diagram of Neuron - Ex. 3 Hormel Daubert Hearing
71. Curriculum Vitae's for experts listed in Exhibit List filed by Land & Sea Restaurant d/b/a Frankie Rowland's Restaurant

In addition Norm Bloom reserves the right to call any witness identified by any other party or to introduce into evidence any exhibit identified by any other party.

**SIXTH-PARTY DEFENDANT,
NORM BLOOM & SON, LLC**
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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